

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	Young B. Kim
CASE NUMBER	10 C 7154	DATE	July 25, 2012
CASE TITLE	Coach Services, Inc. Et al vs. Durbin's Restaurant & Bar et al		

DOCKET ENTRY TEXT

Plaintiffs' motion to compel deposition of Olita Doogan [76] is entered and continued to August 2, 2012, at 11:00 a.m. in courtroom 1944D.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

According to the motion, Plaintiffs properly noticed the deposition of Ms. Doogan but she refused to appear for her deposition on July 24, 2012. Having no choice, Plaintiffs filed this instant motion seeking relief from this court to address Ms. Doogan's alleged non-compliance.

If Ms. Doogan failed to appear in response to a subpoena for her deposition testimony, without good cause, she may be subject to sanctions for contempt which may lead to this court issuing a body attachment for her arrest. The court wishes to avoid this if possible.

The court is aware that Ms. Doogan is in a difficult position but this does not excuse her from ignoring subpoenas to testify at a deposition. Ms. Doogan has two options in this court's view: (1) appear in court on August 2, 2012, at 11:00 a.m. in courtroom 1944D, located at 219 South Dearborn Street, in Chicago, and explain her reasons for not appearing for her scheduled deposition on July 24, 2012; or (2) contact Plaintiffs' counsel before August 2, 2012, and reschedule her deposition and appear for her deposition as rescheduled. Option (2) is the better option of the two because even if Ms. Doogan chooses option (1) and the court decides that she had good reasons for not appearing for her deposition on July 24, 2012, this outcome will not then excuse her from eventually having to sit for her deposition. If Ms. Doogan believes that by answering a deposition question she may incriminate herself, she is entitled to exercise her right to Fifth Amendment privilege and not answer those questions. But she is still required to appear for her deposition.

The court is mailing a copy of this order to Ms. Olita Doogan at 7901 West 103rd Street, Palos Hills, Illinois 60465. If Ms. Doogan fails to either appear or contact Plaintiffs' lawyer Amy Breihan as suggested in this order, the court will have no choice but to find Ms. Doogan in contempt and take appropriate measures to secure her testimony. Plaintiffs must advise this court as soon as possible if the August 2, 2012 motion hearing is no longer

STATEMENT

necessary. No appearance is required on July 30, 2012.
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